

Town of Perry Meeting
Minutes of Land Use Committee Meeting
Tuesday, January 6, 2004
Perry Town Hall

1. Call to Order. Chairman Mick Klein Kennedy called the meeting to order at 8:11PM. Committee members present – Roger Kittleson and Don Kellesvig. Dean Vogel, absent. Steve Ashman, resigned due to poor health. Also in attendance: Dan Keller, Craig Bluschke, Linda Bluschke.

Chairman Kennedy recognized Steve Ashman's service to the Town as a member of the Land Use Committee since its inception, and expressed the Town's gratitude.

2. Minutes of Previous Meeting – December 2, 2003. Roger Kittleson moved and Mick Klein Kennedy seconded a motion to approve the minutes of the Land Use Committee meeting held on December 2, 2003, as presented. Motion carried. Don Kellesvig abstained (did not attend 12/2/03 meeting).
3. Review changes to Section 10, Land Use Plan. The Committee reviewed the request for further clarifications in Section 10 of the Land Use Plan suggested by Brian Standing, Dane Co. Planning. The Committee recommended that a letter be developed in response to include the following clarifications:
 1. Density units are not consumed by commercial development.
 2. The number of density units allowed is determined according to the calculation stated in Section 10 of the Land Use Plan, i.e. "Because land is frequently bought and sold, the following method will be used to calculate the availability of density units for any particular parcel at any particular time. The original parcel acreage will be divided by 35 to get the original density units available (on August 22, 1979). If the resulting quotient is a whole number, the owner may create that number of lots. If it is a whole number plus a fraction, the owner may create that number of lots equal to the whole number plus one additional lot if the remaining fraction equals or exceeds 18/35. Any density units that have been used will then be subtracted from this number."
 3. The Plat Map and tax records in effect as of August 22, 1979 and current tax records are used to determine the original farm acreage.
 4. A farm residence consumes a density unit.
 5. The Town "rounds up" to the nearest split in calculating the number of density units, per the Town Use Plan – "If it is a whole number plus a fraction, the owner may create that number of lots equal to the whole number plus one additional lot if the remaining fraction equals or exceeds 18/35."

6. Any purchase of unrestricted land of 35 acres or more added to an original parcel will bring with the purchase the number of density units that equals the purchased acres divided by 35.
7. Deed restrictions and Notice Documents are used to record notification that density units have been consumed.
8. The Land Use Committee has recommended that the Exception shown in Section 10 of the Land Use Plan be amended as follows: “A ~~vacant~~ non-conforming parcel of (less than 35 acres) that existed on August 22, 1979 would have 1 density unit. ~~unless previously used.~~”
9. Land or conservation easements sold to public agencies retain density units unless other terms are recorded in a deed restriction.
10. The Town of Perry is not subject to annexation.
11. Mandatory and Desired Criteria of the Land Use Plan are applied to all building sites in the Town.
12. Density Units in the Town of Perry are not transferable.

Motions were made for recommended changes.

Mick Klein Kennedy moved and Don Kellesvig seconded a motion to recommend that Section 5 – Residence Districts – “The Residence Districts will be restricted to the platted area of Daleyville or within a Limited Service Area if the Town creates one or non-contiguous parcels less than 2 acres (R-1).” Motion carried.

Roger Kittleson moved and Don Kellesvig seconded a motion to recommend that Commercial development not be included in the density unit calculation. Motion carried.

Don Kellesvig moved and Roger Kittleson seconded a motion to recommend amending the Exception in Section 10 of the Land Use Plan – : “A ~~vacant~~ non-conforming parcel of (less than 35 acres) that existed on August 22, 1979 would have 1 density unit. ~~unless previously used.~~”

Roger Kittleson moved and Don Kellesvig seconded a motion to recommend that the paragraph beginning with “Because land is frequently bought and sold...” in Section 10 of the Land Use Plan should be shown in a Bold font. Motion carried. **“Because land is frequently bought and sold, the following method will be used to calculate the availability of density units for any particular parcel at any particular time. The original parcel acreage will be divided by 35 to get the original density units available (on August 22, 1979). If the resulting quotient is a whole number, the owner may create that number of lots. If it is a whole number plus a fraction, the owner may create that number of lots equal to the whole number plus one additional lot if the remaining fraction equals or exceeds 18/35. Any density units that have been used will then be subtracted from this number. Where density units**

go when land is sold or purchased depends on the size of the parcel, as outlined below. A parcel is considered restricted if any deed restriction that pertains to density units or development has been placed on the deed to the property. If a deed restriction exists, the intent of the restriction will be applied to any calculation being determined.

4. Review Building Ordinance. The Committee reviewed the Building Ordinance and developed recommended changes.

Roger Kittleson moved and Don Kellesvig seconded a motion to recommend adding “All Dwellings, Farm and Non-Farm Accessory Buildings, and Other Non-Farm Development” to section 1.02 of the Building Ordinance, and to delete “all dwellings and accessory buildings”

1.02 JURISDICTION. Jurisdiction of these regulations shall include ~~all dwellings and accessory buildings~~ all Dwellings, Farm and Non-Farm Accessory Buildings, and Other Non-Farm Development on land within the Town of Perry.

Mick Klein Kennedy moved and Don Kellesvig seconded a motion to recommend deleting Exemptions (Section 1.07), and its reference in Section 1.05(5)(b) from the Building Ordinance. Motion carried.

1.07 EXEMPTIONS.

~~(1) Ag Accessory Building. Building Permits for ag accessory buildings do not require a Site Plan Approval or any of the other supporting documents listed in sec. 1.05(5) or this Ordinance.~~

~~(2) Additions or Additional Stories. Building Permits for additions or additional stories do not require a Site Plan Approval or any of the other supporting documents listed in sec. 1.05(5) of this Ordinance.~~

~~1.05(5)(b) Supporting Documents - Site Plan Approval (see exemptions in sec. 1.07 of this Ordinance).~~

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to recommend amending Conditions (Section 1.06) of the Building Ordinance - delete “The Town Clerk” and add “will be issued”, and add “approved by” to Application Requirements (Section 1.05(1)). Motion carried.

1.06 Conditions. ~~The Town Clerk shall issue or re-issue a~~ A Building Permit will be issued in the Town of Perry only if all of the following conditions are satisfied as determined by the discretion of the Town Board:

1.05 Application Requirements and Procedures.

- (1) Who must apply. No person or entity shall construct a dwelling or accessory building, install a manufactured dwelling or accessory building, or add an addition or additional story to an existing dwelling or accessory building, without first obtaining a Building Permit ~~from~~ approved by the Town Board.

Roger Kittleson moved and Mick Klein Kennedy seconded a motion to recommend the addition “Construction commences on dwellings when footings are poured, and commences on accessory buildings when earth is disturbed.” to Definitions (Section 1.04).

5. Review Site View and permit procedures for ag. and non-ag. accessory buildings. The Committee reviewed procedures for approving permits for accessory buildings.

Don Kellesvig moved and Mick Klein Kennedy seconded a motion to recommend neighbor notifications and site views, by three members of the Land Use Committee, for proposed accessory buildings. Motion carried.

Mick Klein Kennedy moved and Roger Kittleson seconded a motion to recommend that the building permit fee for accessory buildings be changed to \$ 200.00, and \$ 100.00 refundable if one site view is sufficient. Motion carried.

6. Adjourn. Roger Kittleson moved and Don Kellesvig seconded a motion to adjourn. Motion carried. The meeting adjourned at 11:45PM.

Respectfully submitted,

Mary L. Price, Clerk